

DEFENDANT'S
EXHIBIT

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NEW YORK UNIVERSITY SCHOOL OF MEDICINE

Carol A. Bernstein, M.D.
Associate Professor of Psychiatry
Vice Chair for Graduate Medical Education and
Director of Residency Training in Psychiatry
Senior Assistant Dean for Graduate Medical Education
New York University School of Medicine

550 First Avenue, NBV 20N11
New York, NY 10016-9196
Telephone: (212) 263-6152/6238
Facsimile: (212) 263-6497
E-mail: carol.bernstein@med.nyu.edu

March 2, 2006

Mitchell Charap, M.D.
Associate Professor of Clinical Medicine
NYU School of Medicine
530 First Avenue, HCC-7B
New York, NY 10016

Re: Dr. Neelu Pal

Dear Dr. Charap:

I am writing to confirm your appointment as Chair of the Appeals Committee, appointed to review the decision by Dr. Thomas Riles, Chair of the Department of Surgery, made at the recommendation of Dr. Christine Ren, the Bariatric Surgery Fellowship Program Director to suspend and then dismiss Dr. Neelu Pal from the Fellowship Program. The other members of the committee are: Dr. Robert Lembo, Dr. Chris Foresto and Dr. Josh Pasol. Lynn Lowy, Associate General Counsel, will be legal advisor to the committee. Gail Tucker, who can be reached at 212-404-4075 or gail.tucker@nyumc.org, will staff the committee.

The Appeals Committee is charged to conduct a hearing in accordance with procedures and guidelines set forth in Section V., Appeals, of the Evaluation, Corrective Action, and Disciplinary Policy for Residents. The Appeals Committee should review the notices of suspension and dismissal and related documents and should interview Dr. Pal, Dr. Riles, Dr. Ren, Dr. George Fielding, Mara Epstein and Rebecca Fishman. The Committee may also interview any other individuals with relevant information, as the committee may deem necessary. Following the hearing, the Appeals Committee should submit to me a written report and recommendation.

As guidance to the committee, the following is the applicable standard for reviewing the decision of the Department. The purpose of the appeal is not to substitute the committee's academic judgment for that of the Department. If the Appeals Committee finds that the Department complied with the procedures set forth in the Evaluation, Corrective Action and Disciplinary Policy for Residents and that the decision of the Department was not arbitrary and



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capricious or made on the basis of unlawful discrimination, the appeals committee should recommend that the decision of the Department be upheld.

A copy of Dr. Riles' letter dated February 21, 2005 advising Dr. Pal of her dismissal is enclosed. Also enclosed are Dr. Pal's notice of summary suspension dated January 25, 2006 and other materials as listed on Attachment A. All materials provided to you are confidential and should not be duplicated or discussed with anyone other than committee members and staff.

Please commence review as soon as possible, and provide a written report of findings to me no later than April 14, 2006. We currently are in the process of scheduling the hearing.

If you have any questions concerning this, please contact me.

Sincerely,



Carol Bernstein, M.D.
Associate Professor of Psychiatry
DIO and Senior Assistant Dean for GME
Vice Chair for Graduate Medical Education and
Director, Residency Training in Psychiatry

cc: Dr. Christopher Foresto
Dr. Robert Lembo
Dr. Neelu Pal
Dr. Joshua Pasol
Dr. Christine Ren
Dr. Thomas Riles
Paul Rooney, Esq.

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